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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,654	07/30/2003	Kenneth A. Schwartz	AHP-007.01	8262
25181	7590	01/06/2006	EXAMINER	
FOLEY HOAG, LLP PATENT GROUP, WORLD TRADE CENTER WEST 155 SEAPORT BLVD BOSTON, MA 02110			MORAN, KATHERINE M	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/630,654

Applicant(s)

SCHWARTZ ET AL.

Examiner

Katherine Moran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 11-16 and 23-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 17-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I in the reply filed on 10/17/05 is acknowledged. The traversal is on the grounds that the restriction is not proper since both groups of claims contain corresponding limitations such that the product of group I is made using the methods recited in group II claims. This is not found persuasive because the method claims, particularly claims 13-16 and 26, recite additional method steps not inherent in the product claims 1-10 and 17-22.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1-10 and 17-22 are pending, with claims 11-16 and 23-26 withdrawn.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6-10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cho (U.S. 6,119,273) in view of Knowles (U.S. 4,170,808). Cho discloses the invention substantially as claimed. Cho teaches headgear comprising a head strap 1 for adjusting circumference of the headgear about a person's head, and a buckle 2 through which the strap extends for securing the strap at an adjusted position. However, Cho doesn't teach a brass buckle, or a display layer positioned on an outer

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surface of the buckle and having at least one color different from that of the buckle and a sealant layer deposited over the display layer and surface of the buckle so as to minimize exposure of the display layer to environmental conditions. Knowles teaches a buckle with a display layer 22 positioned on an outer surface 20 of the buckle and having at least one color different from that of the buckle, and a sealant layer 32, formed from distilled water or other conventional types of sealing additives, deposited over the display layer and surface of the buckle. Figure 1 shows the display layer with shaded areas, indicating darker colors are used in those areas. It is implied in Knowles' disclosure that the sealant layer is transparent, since the display layer 22 remains visible. Column 3, lines 50-52 teaches that a dye layer (paint) may be applied to the surface 20. Official Notice is taken that buckles are commonly made from brass since it is a commonly used non-ferrous, metallic alloy material known for its resilient, hard properties. Applicant's specification also states on pg. 5, par. 20 that brass buckles are commercially available. Therefore, it would have been obvious to provide Cho with the display layer and sealant as taught by Knowles, since it has been shown that providing buckles with decorative ornamentation is a common way of improving aesthetic properties of fasteners and conveying a particular effect.

4. Claims 4, 5, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cho in view of Knowles as applied to claim 1 above, and further in view of Reiter (U.S. 1,989,153). Cho, when viewed with Knowles, discloses the invention substantially as claimed. However, Cho doesn't teach an embossed pattern. Reiter teaches a buckle with a portion embossed (lines 40-44) with a desired

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decoration. Therefore, it would have been obvious to one of ordinary skill in the art to provide the decorative assembly of Cho/Knowles with the embossed pattern of Reiter, since this particular manipulation of a metallic buckle is known and common in the art and lends a tactile property to the buckle.

### ***Conclusion***

5. The prior art made of record on the attached PTO-892, and not relied upon, is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Katherine Moran at (571) 272-4990. The examiner can be reached on Monday-Thursday from 8:30 am to 6:00 pm, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, may be reached at (571) 272-4983. The official and after final fax number for the organization where this application is assigned is (571) 273-8300. General information regarding this application may be obtained by contacting the Group Receptionist at (571) 272-3700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kmm

December 29, 2005

A handwritten signature in black ink, appearing to read "K Moran", with a stylized, flowing script.

Katherine Moran

Primary Examiner, AU 3765